

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-26 were previously pending in this Application. Within the Office Action, Claims 1-26 have been rejected. By the above amendment, Claims 23, 25 and 26 have been amended. Accordingly, Claims 1-26 are now pending in the application.

#### **Rejections Under 35 U.S.C. § 112**

Within the Office Action, Claims 23-26 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, it is stated that within Claims 23, 25 and 26, there is insufficient basis for the limitation “the original audio/visual.” By the above amendments, Claims 23, 25 and 26 have all been amended to replace “the original audio/visual content” with the “prefetched audio/visual content item,” which finds its antecedent basis in lines 3 and 4 of Claim 23.

#### **Rejections Under 35 U.S.C. § 102**

Within the Office Action, Claims 1-3, 5-16 and 21-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0013852 to Janik (hereinafter “Janik”). The Applicants respectfully disagree.

Janik teaches a system for providing content, management, and interactivity for thin client devices. Janik teaches a capability for determining and aggregating the content objects presented to a specific user on content selection web pages which is derived from content preference selections provided by the user. [Janik, ¶ 0082] Janik further teaches time-based automation of the accessing, caching and streaming of content from the Internet at times prescribed by the user or at times derived by direction given by the user through the GUI content editors. [Janik, ¶ 0105] Janik does not teach prefetching audio/visual content based on a preference corresponding to a user.

In contrast to the teachings of Janik, the methods and apparatus described within the present application, organize audio/visual content and prefetch selected audio/visual content configured to be displayed to a user. A presentation layer takes into account the preferences and use patterns of a user. [Present Specification, page 8, lines 17-20] In one embodiment, audio/visual content is pre-sorted according to the use patterns of the user. [Present Specification, page 8, lines 20-21] In another embodiment, the audio/visual content is pre-fetched according to

the use patterns of the user. [Present Specification, page 8, lines 21-22] As also taught within the Present Specification,

[t]o minimize the wait time of utilizing the selected audio/visual content, the method and apparatus for presenting content prefetches the audio/visual content based, in part, on the location of the particular audio/visual content listing relative to the listings displayed in current display window 635. For example, if the methods and apparatuses for presenting content are configured to prefetch audio/visual content within the current display window 635, then the audio/visual content represented within the display windows 625, 630, 640 and 645 are prefetched. As the user scrolls through the various display windows, the prefetched audio/visual content dynamically changes. In one illustrative employment, content items that correspond to each content item listing displayed in  $n \pm 1$  windows are prefetched, where  $n=1$ . In some embodiments, the prefetched content represented in the display windows 625, 630, 640 and 645 are temporarily stored within the prefetched buffer 315. [Present Specification, page 17, lines 5-17]

As described above, Janik teaches time-based automation of the accessing, caching and streaming of content at times prescribed by the user or at times derived by direction given by the user. As further described above, Janik does not teach prefetching audio/visual content based on a preference corresponding to a user.

The independent Claim 1 is directed to a method comprising identifying a preference corresponding to a user, detecting a current display window and prefetching at least one audio/visual content in response to the current display window and the preference. As described above, Janik teaches time-based automation of the accessing, caching and streaming of content at times prescribed by the user or at times derived by direction given by the user. As further described above, Janik does not teach prefetching audio/visual content based on a preference corresponding to a user. For at least these reasons, the independent Claim 1 is allowable over the teachings of Janik.

Claims 2, 3 and 5-11 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Janik. Accordingly, Claims 2, 3 and 5-11 are all also allowable as being dependent on an allowable base claim.

The independent Claim 12 is directed to a system comprising means for identifying a preference, means for organizing audio/visual content using a parameter, means for detecting a current display window and means for prefetching at least one audio/visual content in response to the current display window and the preference. As described above, Janik teaches time-based automation of the accessing, caching and streaming of content at times prescribed by the user or at times derived by direction given by the user. As further described above, Janik does not teach

means for prefetching audio/visual content based on a preference corresponding to a user. For at least these reasons, the independent Claim 12 is allowable over the teachings of Janik.

The independent Claim 13 is directed to a method comprising detecting an activity, setting a prefetch parameter based on the detected activity, detecting a current display window and prefetching a content item based on the prefetch parameter and the current display window. As described above, Janik teaches time-based automation of the accessing, caching and streaming of content at times prescribed by the user or at times derived by direction given by the user. As further described above, Janik does not teach prefetching a content item based on a prefetch parameter and a current display window. For at least these reasons, the independent Claim 13 is allowable over the teachings of Janik.

Claims 14-16, 21 and 22 are all dependent on the independent Claim 13. As described above, the independent Claim 13 is allowable over the teachings of Janik. Accordingly, Claims 14-16, 21 and 22 are all also allowable as being dependent on an allowable base claim.

The independent Claim 23 is directed to a system comprising a media container configured for storing an audio/visual content item, a prefetch buffer configured for temporarily storing a prefetched audio/visual content item and a presentation layer configured for transmitting the prefetched audio/visual content item to the prefetch buffer based on a user's preference and a current display window. As described above, Janik teaches time-based automation of the accessing, caching and streaming of content at times prescribed by the user or at times derived by direction given by the user. As further described above, Janik does not teach prefetching audio/visual content based on a user's preference and a current display window. For at least these reasons, the independent Claim 23 is allowable over the teachings of Janik.

Claims 24-26 are all dependent on the independent Claim 23. As described above, the independent Claim 23 is allowable over the teachings of Janik. Accordingly, Claims 24-26 are all also allowable as being dependent on an allowable base claim.

### **Rejections Under 35 U.S.C. § 103**

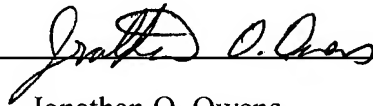
Within the Office Action, Claims 4 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Janik. The Applicants respectfully disagree. As the basis of this rejection, Official Notice has been taken that it is old and well known in the art for a user's preference information to be stored and obtained by identifying the user through a variety of methods, for example, the use of a username and a password. The Applicants respectfully disagree with this conclusion and the taking of Official Notice to support this rejection.

Claim 4 is dependent on the independent Claim 1. Claims 17-20 are dependent on the independent Claim 13. As described above, the independent Claims 1 and 13 are allowable over the teachings of Janik. Accordingly, Claims 4 and 17-20 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, the applicant respectfully submits that the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
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